WHOLE NO. 8260.

SUNDAY MORNING, APRIL 17, 1859.

PRICE TWO CENTS.

## THE WASHINGTON TRAGEDY.

Trial of Daniel E. Sickles for the Killing of Philip Barton Key.

The Question of the Admission of Evidence of Adultery.

Spirited Arguments of Counsel on

SPECIAL REPORT TO THE HERALD.

pies on the admission of evidence. The prescution have been out-generalled, as the defence have managed to get in evidence which has carried Mr. Key and Mrs. Sickles

harder testimony the jury will suspect its impartiality, and the effect out of doors will be unfavorable. If the Dourt let in the evidence, the crime of adultery will be What if it be proved, exclaim the prosecution,

oint, and there is much anxiety here to know what that ecksion will be. If it is adverse to the defence, it is not they will rest their case and leave the prisoner in the hands of the jury. The prosecution may call some rebutting testimony, when the summing up on both sides will follow. The case will close, then, towards the end of

PROCEEDINGS BEFORE THE COURT.

Washington, April 10-11 A. M.
We are requested, on the part of Mr. Sickies, to state that he deeply regrets, for many reasons, but particular-ly for the sake of his child, who must one day read the record of her mother's shame, that the confession of Mrs. Bickles was published. The publication was contrary to his wishes, and if it had been within his power he would

vidence of adultery was pretermitted for the present, in rder to allow Peter Cagger, of Albany, to be examined. EVIDENCE OF PETER CAGGER.

Peter Cagger examined by Mr. Brady—I am a member of the bar, residing in the city of Albany; have known Mr. Siekles for twelve years and upwards; saw Mr. Key but once, in June, 1868; I was introduced to him by letter from Mr. Sickles, and engaged him in a case as counsel. To the Court—I retained Mr. Key's services on the ound of that letter of introduction.

ARGUMENT OF COUNSEL.

Mr. Ould would like to refer the counsel for the defence to one or two additional authorities: third volume Jones' Law Reports, the State against Reuben Samuel; the State vs. John P. Creighton, Irodell, page 164; the State vs John G. Ferguson, Hill's South Carolina Reports, page 619. Mr. Phillips resumed his argument. He had discussed Mr. Phillips regumed his argument. Ho had discussed yestersay the following propositions:—I. That if the evidence offered is admissible for any purpose it must be received. 2. That the issue presented by the indictment is not whether there has been a killing, but whether there has been a murder. 3. That, to constitute murder, there must be established a killing with deliberate intent or mailee propense. 4. That the mailee of the law implied a wicked, deprawed, and malignant spirit, a heart regardiess of social duty, and fatally bent on mischief. 5. That even in cases of express malice, arising out of a past grudge, if there has intervened a new provocation, it was not to be presumed the killing was on the old grudge. 6. That in cases where the law presumes malice from the act of killing, this presumption may be rounted by expressions of good will and acts of kindness on the part of the prisoner towards the deceased, always considered important evidence, as showing what was his general disposition towards the deceased, always considered important evidence, as showing what was his general disposition towards the deceased, from which the Jury may be led to conclude that his intention could not have been what the charge imputes. (Quoting 2d Russell, page 693. That this presumption may also be rebutted by showing that the killing was in passion, pressions arising from sufficient provocations, there could be no such legal absurdity as permitting evidence of the lesser provocation, and excluding evidence of the greater. 8. This brought me to the consideration of the admission of the prosecution that if the accused had sen with his own eyes the very act of adultery, then the recoverage evidence of the provocation that if the accused had sen with his own eyes the very act of adultery, then the recoverage evidence of the greater action could be given in evidence.

of the admission of the prosecution that if the accused had seen with no own eyes the very not of adultery, then the provocation given could be given in evidence, but not otherwise. This I demonstrate to be wholly unreasonable and faliacious, by showing that the eye, the ear and the touch were but media through which fasts were transmitted to the brain, and that these governed the will and decided the action. I was illustrating the position that the knowledge of the adultery, at the time of its commission, could be an edinitely conveyed to the mind by the ear of the touch as by the eye, and cited examples to this end, when the adjournment of the court took place. He had yesterday presented a case in illustration of the falsity and absurdity of the doctrine that a man must see the act of adultery to entitle him to set it up in justification. He might also illustrate the same lead by the case of the blind man. He had seen a patient whereas and without his right some and the same lead by the case of the blind man. He had seen a patient whereas and without his right some which he had loat in the service of his country, same up to vote. The did man was challenged, and the Jadge declared that, insamuch as the form of the eath required the person taking it to place his right hand on the book, and that as this man had no right hand, he was not a competent voter. That doctrine was about a absurd as the doctrine laid down by the procedulon that the bruband must find the adulterer in the very act. Suppose a husband found the adulterer in the wife bed, in a state of quiescence, or found him disrobing or clothing himself in the bedroom of his wife, would not be a legal justification?

The District Attorney did not know that there was an view of the same and the same an

weekler.

Mr. Phillips held that if they had a right to 'show the passion, they had a right to show the provocation for that passion, they had a right to show the provocation for that passion, so as to exclude the possibility of arguments that that passion was fictitious, not real. Counsel referred to vol 1. Phillips on Evidence, p. 173, and vol. 1, dressinal passion was fictitious, not real. Counsel referred to vol 1. Phillips on Evidence, p. 173, and vol. 1, dressinal passion was fictitious, not real. Counsel was considered to the passion of the accessed; that there was floating in the very eyes of the eccessed; that there facts were made known to the prioner. Under these facts, whatever caimness time might have imparted to the heart of the normal distinction of the prioner. Under these she she counsel that before the killing there was a new provocation in the eyes of all reasonable men to justify the commission of the act. Counsel was grieved to see that counsel for the presencion had laid down the proposition that when the prisoner had knowledge of the faithlessmest of his wife there was no cause for his passion.

All the prisoner to prevent the orime of adultery.

Mr. Phillips—The argument was, that because the wife had been realthcome to the prisoner, the signal of the decassed formed to ground to repassion which would loss to isolate the prisoner to prevent the orime of adultery.

Mr. Carliad disalained any such idea, and hoped the County of the prisoner to prevent the orime of adultery.

Mr. Phillips—His Honor counjed a position in this case which seldom fails to the lot of any Judge. He was not called upon to make a law in his case, but to apply the analogies of the law to the new facts presented in this extraordinary case. This sometimes cocurred in criminal cases, and it signally occurred in the present; for the prisoner of the

when the contraction to the common to the co

referred to the last tan, according to the therety of the defence, he had the day before fully ascertained that an adulterous intercourse for nearly a year had been carried on between those persons.

Counsel for defence replied—If the dootrine of the prosecution is a correctous, then we ought to stop with the Coroner's jury who found who killed Mr. Key; and according to the presecution, this is the only fact before the jury. A strenuous effort has been made to show the state of the prisoner's mind at the time of the killing of Mr. Key. If the interior is important, and the evidence bearing on it is proper, then it seems to me the defence is entitled to such evidence. If we are here merely to discover what the coroner's jury found as to the killing of Mr. Key, and if this course is conclusive evidence of malice, and is admissible, then the preferment of the accusation by the grand jury, and trial by petty jury, are unnecessary in law. But I say that every fact, whether it bears remotely or nearly to the case, is proper to be shown, to enable the jury to understand the countion of the presecution, after experimenting with us, and finding we have evidence of the adultery beyond peradventure, to deprive us, by means of technicalities, of this benefit, I ask the Court to review.

The Datrict Attorney, replied—The greened as which the application was made were first, that the facts received the application was made were first, that the facts received the supplication was made were first, that the facts received

into his hands. He did not subscribe to any such doc trine. He would also refer to the Good Book to show what had been simost a judicial determination of this question, by the Founder of our holy religion:—

Jeems went unto the mount of Olivea.

And early in the morning he came again into the temple, and all the people came unto him, and he sat down and taught them.

And the scribes and Pharleses brought unto him a woman taken in adulery; and when they had set her in the midst.

And the scribes and Pharleses brought unto him, a woman taken in adulery; the woman was taken in adulery. In the very act.

Now Moses in the law commanded us that such should be stored but what sayest thou?

This they sate, tempting him, that they might have to accuse him. But Jeans stooped down, and with his finger wrote on the ground, as the ugh he heard them not.

Fo when they continued saking him, he lifted up himself, and said unto them. He that is without an among you, let him first cast a stone a her.

And again he steoped down, and wrote on the ground.

And they which heard it, being convicted by their own conscience, went out one by one, beginning at the elicat, even unto the heat, and fessue was left alone, and the woman sand try in the midst.

The whole case there recited was remarkable in its not-dense; it was, as it were, a transfiguration of Christianly itself—a transfiguration as glorious as that which took place about the same lime in the presence of Moses and Elios. For himself, he would rather have been in the pillory than in the position of the last surjbe or Pharisee in that presence. That whole case was an exemplification of the meaning and spirit of Christianity. There was no hint there that the party offended might in the pisture of the meaning and spirit of Christianity. There was no hint there that the party offended might in the did not deny that when the party is caught in the act has the genus and spirit of Christianity, stooping, as it were, from heaven, and kissing in pace the erring sater. He cid not deny

desired for his Booor to decide. He held that the facin bere effered in evidence off not amount to legsl procostion, and consequently that evidence of them was not competent in law. The learned counsel on the other side had asked for the foundation of the rule, as laid down in Manning's case—a very appropriate inquiry. It its reason that the adultery was committed, or that that fact had a certain effect on the prisoner's mind. The law presumed that the fact would produce a certain effect on the prisoner's mind, and therefore the fact itself might be proved. But wincever the law ways that the tempest of passion abould not exist after cooling time, then the party should not have the benefit of presumotion. It had been asked what would be the evidence required in case the rule there laid down had been ensoted into a situate, and the Missachusetts authorities had been quoted. They did not, it seemed to him, bear on this case. They were not on the inquiry here whether in point of fact the adultery was committed, but what was its state of the prisoner's mind in consequence of it. It was adid that the case in vol. 8 Iredell did not bear on this case, because it was the case of a slave. One of the counsel denied that it was law, while the other admitted tacitly that it was law, but that it ought not to be law. Counsel for defence—I said that one part of it was obter, and that the part in regard to insanity conflicted with his Honor's rulings.

The Pistrict Attorney held that that case illustrated what was the state of the law in all cases of homicide on the ground of adultery, whether the parties were bond or free. He referred to Archibald's Criminal Practice vol. 2, page 13, and to Hill's South Carolina Reports, vol. 2, page 13, and to Hill's South Carolina Reports, vol. 2, page 16. He contended that the extent of cooling time was necrearily a question of law, and must be determined by his Henor.

Mr. Philips—That would make the Judge the trier of the whole case.

Counsel for defence—It would be the case of a special

The Judge—I suppose nobody objects to that.

Mr. Magruder—I suppose not.

Religious Intelligence.

The Union Religious Services at Niblo's Con will be continued this evening. Rev. Frederick G. Clark, paster of the West Twenty-third street Presbyterian

Mission chapel, No. 59 West Forty-first street, between Seventh and Eighth avenues, this afternoon.

Rev. Dr. Macmenamy and the friends of the Bible will discuss the claims of the Apochrypha and Purgatory, and

at half-past seven, under the direction of Rev. O. B. Frothingham, who has been regularly established as pas-

morning and evening.

The Third Unitarian church, northeast corner of Br

way and Thirty-second street (Rev. O. B. Frothingham), is new regularly established, and open, morning and even-

Forsyth street, the pastor, Rev. J. Sanderson, will deliver the sermon in the morning and afternoon, and Rev. E. T.

Hiscox in the evening.

Rev. Dr. Scudder will preach, this morning, in Dr. Hut ton's church, Washington square, and at Dr. Strong's church, corner of Bieecker and Amos streets, in the even

Music this evening.

The usual divine service will be held in the Protestan Episcopal Mission church, Clinton Hall, Astor place, in charge of the Rev. Robert G. Dickson, this morning and

In the O'coard street Universalist chirco, hear Broome street, Rev. Dr. Sawyer, pastor, will preach, this morning and evening. Subject, "The Destruction of Jerusalem as Foretoid in the Scriptures."

Divine service will be held, as usual, this morning and

Afternoon, and a prayer meeting in the evening, in the North Dutch church, corner of Falton and William streets. Public worship will be held this morning in the New Jerusa em church (Swedenborgian) at Lyrique Hall, 765

Jerusa em church (Swedenborgian) at Lyrique Hall, 765 Broadway.

170f. G. Bush, of the New Jerusalem church, will administer the sacrament of the Holy Supper this morning, in the Athenseum, Atlantic street, corner of Clinton street, Brooklyn, and deliver a parting address to histriends. The Rev. Samuel Beswick will preach in the morning.

Rev. Thomas Gallaudet, rector for St. Anne's Church for Deaf Mutes, will preach this evening in the Memorial church, corner of Hammond street and Waverley place.

Mrs. Cora L. V. Hatch will speak in the trance state at Musical Hall, Brooklyn, this after noon.

Dr. Armitage, paster of the Norfolk street Baptist church, will preach this afternoon at three o'clock, in Trenor's Academy, Thirty-fourth street, one door west of

Broadway.

In the Free Protestant Episcopal Church, at the large chapel of the Rutgers Female Institute, 264 Madison street, three doors above Cinton street, the whole service of the church will be rendered chorally, this morning and even-

Jamestown, N. Y., will preach this morning and evening.

A farewell missionary meeting will be held in the Pres.

byterian church, Fifth avenue and Nineteenth street,

(Dr. Alexander's,) this evening, in connection with the
departure of Dr. and Mrs. Hopburn, missionaries of the Presby terian Board, for the purpose of establishing a mis-

sion in Japan.

ANNIVERSARIES.

The Sabbath School of the Sixth avenue Reformed Dutch church will hold its anniversary this evening.

The second anniversary of the Young Mon's Christian Union, of New York, will be held on or about the 11th and 12th of May.

The anniversary of the Union Theological Seminary, of this city, will be held in the Mercer street courch, on Monday evening, May 9.

American Bible Society, on May 12, at the Academy of Music.

American Home Missionary Society, on May 11, at the Church of the Purkans. American Board of Foreign Missions, May 13, place not yet designated.

American and Foreign Christian Union, May 10, at Dr. McClintock's church, on Fourth avenue.

American Scannar's Friend Society, May 9.

The American Missionary Association holds its anniverpary this year in Boston; and the Presbyterian (O. S.)
Board of Foreign Mesions at Indianapoles, during the sitting of the General Assembly.

The New York State Colonization Society, May 10, in the
Dutch Reformed Church, Lafayette square.

The members of the charca and society of the Second Presbyterian church, in Choinnail, have voted to give the Rev. Dr. Sunderland, of Washington city, a calite become their pastor.

The Knox Presbyterian church, formerly worshipping at Freeman place chapel, and now at the Beionaon Hell, (Tremont Temple,) Boston, have extended a unanimous call to Rev. David Maglil, of Philadelphia, to become their pastor.

Rev. J. H. Suydam, pastor of the Dutch Reformed Church, Feshkili, who received a call to take charge of the church at Montgomery, Orange county, has declined, preferring to remain where he had first located.

Rev. Dr. Magoon, of Albany, has declined a recent call to San Francisco.

The Sixth Universalist society in New York, Rev. J.\*H. Shrpard, pastor, hitherto worthipping in a small hired church in Twenty fourth street, have purchased the church in Twentth street, on the south side, a little cast of Seventh avenue.

The ship Boston sailed from Boston on the 13th instant for Calcutta, having on board the following missionaries sent out by the Methodist Missionary Society—Rev. C. W. Judd and wife, Rev. E. W Parker and wife, Rev. J. R. Ibowney and wife, and Rev. J. M. Troburn. Exercises were beld on shipboard previous to sailing.

At the conference of the United Brethren of Christ, recently held in Robresville, Washington county, Md., sevevarial of the preachers appeared with boards of such Nouchtan dimensions that one of the brethren, an aged and venerable clargyman, was induced to offer a resolution to the effect that every preacher of the conference be required to shave off his beard at least once a week, which, after a spirited and amusing discussion, was carried in the affirmative.

The General Assembly of the Perchange of the Conference between the conference of the confer

affirmative.

The General Assembly of the Prosbyterian Church in the United States of America will meet in the Central Presbyterian church of Wilmington, Delaware, on Thursday, the 18th of May.

Upwards of sixty years ago Rev. Ebenezer Price, of Boscawen, N. H., was settled at Belfast, Me., and was the first minister of that place. Not one member of the parish that called him is now living, but Mr. Price, at the advanced age of eighty seven years, is still living, and now resides in Boston.

resides in Boston.

Mrs. Harriot K. Hunt, of Boston, has taken to pring, and has already officiated at Athol, Westminster Stenebam, Mass. Mrs. Jenkins, of New York, who has been reli to preach in Music Hall, before Theodore Parker's has declined.

Rev. R. M. Nott, of New York, will spend a few St in Cheinnati, and preach at the Ninth street church.

Rev. R. M. Nott, of New York, will spend a new indomans in Cincinnati, and preach at the Ninth street Baptist church.

NEW YORK CHURCHES.

The New York correspondent of the Boston Journal furhishes the following atatements in a recent letter:—Rev. Ir. Morgan's society is soon to remove up town from the corner of Breadway and Houston street. His church, known as St. Thomas' church, has for years been known as one of the landmarks of New York. Grace church, Trinity, Trinity chapel, and the Church of the Ascension have eclipsed the glory of St. Thomas'; but in earlier times this was one of the leading churcnes of the Episcopai islath. It was built in 1826, and the interior roof was modelled after Westmunder Hail. But the demand of trade called for its removal. The lead is very valuable; I am told that it has been sold for the full sum of \$460,000. The church has secured sixteen loss on Forty-second street and Fifth avenue, nine blocks only from Bishop Hughes' great cathedral, and the wealth of St. Tromas' will enable the corporation to put up one of the most cirgant and spacious houses of Protestam worship in the city. The Fifth avenue and Murray Hill will be as celebrated soon for the location of the leading churches as it now is for the residence of the most aristic cratic of our people. Beguning with Washington square processes as the churche, and by far the most coulty site in New York; Rev. Mr. Corey's Baptist courted, just off Fifth avenue, on Eighteenth street; the commanding Presbyterian church, Rev. Dr. Alexander pastor, on Nucteenth street; the Reformed Dutch church on Twenty-Inst street, which is the original church, Rev. Dr. Alexander pastor, on Nucteenth street; the Reformed Dutch church on Twenty-Inst street, which is the original church that was once in Garden street, near where now the Exchange stands; the new marble Dutch church on Twenty-Inst street, one of the collegiate churche; Caristic church, Episcopal, near Thirty-seventh street, Rev. Dr. Spring's new bouse on Thirty-seventh street, and now church, Episcopal, near Thirty-fourth street; Rev. Dr. Spring's new bouse on Thirty-seventh street; and new kev. Ir. Morgan's, on Forty-second street, not to mention other churches near Fifth avenue, but not on it—so that this famed thoroughlare on the Sabbath holds almost the whole church-going populsation of fashion of this city. And it has become the great promenade on the Lord's Day. At noon it is centely crowded with the young, the gay, the elegant, the well dressed and the fashionable. And at the hour of four or five on a pleasant afternoon of the Sabbath it is crowded with strollers, as Broadway is on a week day. And persons make it a point to promenate here on Sunday afternoon. And when the weather becomes more pleasant the rashionable part of New York will be found here an Sabbath afternoon.

Apprehended Revolt at Staten Island. RUMORS OF AN ATTACK ON THE QUARANTINE BUILD INGS—MERTING OF THE POLICE COMMISSIONERS— TREPARATIONS TO REVEL THE INSURGENTS, E.C.

ing to immensioners thereupon adopted the following resolution:—

Resolved, That the General Superintendent be directed to bold in re-direct 170 meo, under command or Captain Water-turv-sed Sergeants Balon, Preston, Diron and Dega, to pre-ceed to Quarantine for the defence of the Quarantine buildings.

Samuel Brevoort, the special aid to the General Superintendent, was detailed as commissary for the men.

The following communication, with the resolution, was at once forwarded to General Superintendent failmadge—P. A. Tallange, Red, General Puperintendent:—

DEAU SIR—The foregoing resolution was peased at a special meeting of the Board of Police, beld this day. Respectfully,

GEO. W. ARBERSE, Chief Clerk.

AFRIL 16 1819.

Geo. Tallmadge accordingly communicated the above resolution to Deputy Superintendent Carpenner, when the required number of men were ordered to bold themselves in readiness at the First, Second and Third ward isation bouses, in case their services were needed during the

OMBUNICATION OF THE GENERAL SUPERINTENDENT TO THE CO.

MISSIONIES OF EMIGRATION.

OFFICE OF GENERAL SUPERINTENDENT OF POLICE,
413 BROOME FOREST, CONNER OF SLE.

New York, April 16, 1850.

TO THE PRESIDENT OF THE COMMISSIONES OF MAIGRATION:—
From a recent visit and observation at or near Quarantine is decreased a dispession to receive the attack men the building it Quarantine in case the bill for the removal of Quarantine is bound fell in \$6 masses deed from Albany, we are apprehenter that if the bill should not pass the disaffected may shortly make the stack.

In come time with a resolution of the control of the c

remines to proceed to Quare nume for the protection of the content of the content

City Intelligence.

Boy Mseing — Augustas Brush, a boy of twelve years of age, left his father's residence one week are yesterday, and has not been heard of since. He was a very quiet boy, and his disappearance is a mystery. His father resides at 108 Redord street. Anothers Philland Marce.—It is stated in Detroit that a match between Phelan and Secretar is abortly to